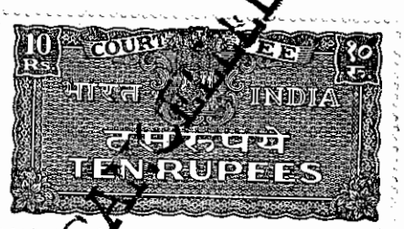
(13)



CANCELLED

C.F. 150

IN THE HIGH COURT OF JUDICATURE AT BILASPUR, C.G.

M.A. No. 567 /2002

APPELLANTS CLAIMANTS : 1) Ameenuddin S/o Sheikh Mohammad aged about 37 years.

2) Sarifunnisha W/o Ameenuddin, aged about 33 years.

Both are R/o village Amandon P.S. Pratappur, Distt. Surguja (C.G.).

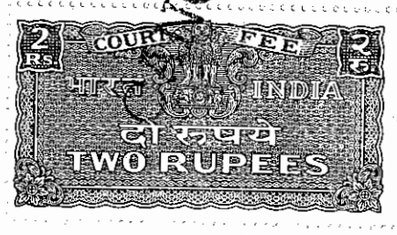
P.R. No. 1528/02 ... by Shri ... 04.10.02

VERSUS

RESPONDENTS NON-APPLICANTS : 1) Shri Malendra Singh Babra, S/o unknown, caste Sikh, R/o Deviganj Road Ambikapur, Distt.: Surguja (C.G.)

(OWNER)

CANCELLED



2) Mohammad Saleem S/o Mukhtar Minya, aged about 31 years R/o Naya Jaipur, Police station Patan Distt.Palamu, (Bihar).
Present address - Parradand, Police station and tahsil Ambikapur, Distt.: Surguja (C.G.)

(DRIVER)

3) The oriental Insurance Co.Ltd., near State Bank, Sadar Road Ambikapur, Distt.: Surguja (C.G.)

(INSURER)

APPEAL UNDER SECTION 173 OF MOTOR VEHICLE ACT 1988

FOR THE ENHANCEMENT OF THE AWARD

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.No. 564/2002 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Division Bench :

HON'BLE SHRI FAKHRUDDIN, Ag. C.J.
& HON'BLE SHRI SUNIL KUMAR SINHA, J.

31-01-2005.

Shri Ashok Kumar Shukla, counsel for the appellants.

Shri Ali Asgar, counsel for respondent No.3/ Insurance Company.

Heard.

This appeal under Section 173 of the Motor Vehicle Act, 1988 has been preferred by the appellants/Claimants for enhancement of the quantum of award passed by the learned Claims Tribunal.

In this case, the rash and negligence on the part of the respondents is not in dispute.

Learned counsel for the parties submit that an award of Rs.1,00,000/- was passed in favour of the appellants. However, during the pendency of the present appeal a compromise has been arrived at by the parties and an additional amount of Rs.10,000/- has been agreed to be paid to the appellants/claimants. A document to this effect has also been filed. It is also agreed by both the parties that the amount due shall be paid within a period of two months from today and in view of the aforesaid compromise, the appellants do not want to prosecute the appeal.

We have gone through the records. The enhanced figure worked out on compromise appears to be just and proper.

In this view of the matter, it is directed that the appellants/claimants shall get total sum of Rs.1,10,000/- as compensation and, therefore, the award passed by the learned Claims Tribunal is modified to the extent indicated above. In other words, the appellants would get a sum of

XI-HC—78

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

मामला क्रमांक M.A.No. 564/2002 सन् 200

आदेश पत्रक (पूर्वानुबद्ध)

आदेश का दिनांक तथा आदेश क्रमांक	हस्ताक्षर सहित आदेश -2-	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अंतिम आदेश

Rs.10,000/- over and above what has been already awarded by the learned Claims Tribunal. It is made clear that if the amount due is not paid to the appellants as per the compromise arrived at by the parties within a period of two months from today, the appellants shall be entitled to charge interest @ 9% per annum from the said date till its realization. The direction in relation to apportionment, if any, given in the award shall also apply to the enhanced amount.

The appeal stands disposed of in terms of compromise arrived at by the parties.

We, however, very much appreciate the efforts made by learned counsel for the parties.

Counsel's fee as per rules.

Certified copy as per rules.

Sd/-
Fakhruddin
Judge

Sd/-
Sunil Kumar Sinha
Judge

subbu